

In the  
**Indiana Supreme Court**



Cause No. 94S00-1701-MS-5

**Order Amending Rules of Appellate Procedure**

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Indiana Rules of Appellate Procedure, Appellate Rules 14, 49, 51, Appendix A, and Form #App.R. 40-1 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

**Rule 14. Interlocutory Appeals**

...

**B. Discretionary Interlocutory Appeals.** An appeal may be taken from other interlocutory orders if the trial court certifies its order and the Court of Appeals accepts jurisdiction over the appeal.

...

(3) *Filing of Notice of Appeal.* The appellant shall ~~conventionally~~ electronically file a Notice of Appeal with the Clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. The Notice of Appeal shall be in the form prescribed by Rule 9, and served in accordance with Rule 9(F)(10). The appellant shall also comply with Rule 9(E).

**C. Interlocutory Appeals From Orders Granting Or Denying Class Action**

**Certification.** The Court of Appeals, in its discretion, may accept jurisdiction over an appeal from an interlocutory order granting or denying class action certification under Ind. Trial Rule 23.

...

(5) *Filing of Notice of Appeal.* The appellant shall electronically file a Notice of Appeal with the Clerk within fifteen (15) days of the Court of Appeals' order accepting jurisdiction over the interlocutory appeal. The Notice of Appeal shall be in the form prescribed by Rule 9, and served in accordance with Rule 9(F)(10). The appellant shall also comply with Rule 9(E).

...

## Rule 49. Filing Of Appendices

A. **Time for Filing.** ~~The appellant~~ Any party shall file its Appendix on or before the date on which the ~~appellant's party's~~ brief is filed. ~~The appellee shall file its Appendix, if any, with its appellee's brief.~~ Any party may file a supplemental Appendix without leave of court until the final reply brief is filed. If an appeal is dismissed before an Appendix has been filed and transfer or rehearing is thereafter sought, an Appendix may be filed contemporaneously with the Petition for Rehearing or Transfer and the Briefs in Response.

...

## Rule 51. Form And Assembly Of Appendices

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D. **Volumes.** All Appendices shall be submitted separately from the brief. An Appendix shall consist of a table of contents (see Rule 51(F)) and one or more additional volumes, and each Appendix volume must be limited in size to the lesser of two hundred fifty (250) pages or ~~20fifty~~ megabytes (~~2050~~ MB). The front page shall be included in the two hundred fifty (250) page limit of this rule. Conventionally filed volumes shall be bound with single staple or binder clip. They shall not be bound in book or pamphlet form.

...

### Appendix A. Standards for Preparation of Electronic Transcripts

...

- (11) *Volume.* A Transcript volume shall be a single PDF or PDF/A file consisting of no more than the lesser of two hundred fifty (250) pages or ~~twentyfifty~~ megabytes (~~2050~~ MB). Each volume shall be numbered at the bottom starting with numeral one on each volume's front page.

...

- (15) *File Formatting and Size.* The electronic Transcript must be saved in one (1) or more files in either searchable Portable Document Format ("searchable PDF") or in searchable Portable Document Format for Long-Term Preservation ("searchable PDF/A"). Each file must be limited in size to the lesser of two hundred fifty (250) pages or ~~20fifty~~ megabytes<sup>1</sup> (~~2050~~ MB). Each file must be named using the following convention: *CaseNumber-DocumentsType-volume#.pdf* (e.g., 53C031601MI00123-Transcript-1.pdf, 53C031601MI00123-Transcript-2.pdf, 53C031601MI00123-Exhibit-1.pdf, 53C031601MI00123-Exhibit-2.pdf). Valid document types include: Table of Contents, Transcript, Index, and Exhibit.

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<sup>1</sup> ~~Twenty-Fifty~~ megabytes equals ~~20,480~~51,200 kilobytes and ~~52,428,800~~20,971,520 bytes of storage.

...

**Form #App. R. 40-1**

**IN THE**

**[INDICATE INDIANA COURT OF APPEALS OR SUPREME COURT OR GIVE  
NAME OF TRIAL COURT]**

NO. \_\_\_\_\_

_____	)	Appeal from the _____ [Trial Court or
	)	_____
	)	Administrative Agency]
	)	
[Insert name], Appellant,	)	
	)	Trial or Administrative Agency Case No:
v.	)	_____
	)	
	)	The Honorable _____, Judge
	)	
	)	
_____	)	
[Insert name], Appellee.	)	

**Motion to Proceed On Appeal In Forma Pauperis**

I, \_\_\_\_\_, am the [Appellant; Appellee] in the above-entitled case and hereby move for leave to proceed on appeal in forma pauperis pursuant to Appellate Rule 40(a)(4).

As required by Appellate Rule 40(a)(4), I am supplying with this motion: (a) an affidavit from me conforming to Form #App. R. 40-2; and (b) the trial court's order denying or revoking my motion to proceed in forma pauperis.

Respectfully submitted,

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Signature

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Date

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the foregoing was served upon the following persons, by [state exact method of service]:

\_\_\_\_\_ [List names and address of:

\_\_\_\_\_ (1) counsel of record or pro se party;

\_\_\_\_\_ (2) Attorney General, if applicable]

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[Signature]

...

These amendments shall take effect upon January 1, 2018.

Done at Indianapolis, Indiana, on 8/3/2017 .



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.